

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN RUIZ,

Case No. 2:18-cv-00091-RFB-EJY

Plaintiff,

ORDER

V.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

10 Before the Court is Plaintiff John Manuel Ruiz's Motion for a 90 Day Extension of Time to
11 effect service on each defendant. (ECF No. 32). Prior to this Motion, the Court granted Plaintiff's
12 application to proceed *in forma pauperis* and further ordered that Clerk of Court electronically serve
13 a copy of Plaintiff's first amended complaint (ECF No. 12) on the Office of the Attorney General of
14 the State of Nevada by adding the Attorney General to the docket sheet. ECF No. 21. Subject to
15 the findings of the screening order (ECF No. 13), within twenty-one days of the date of entry of the
16 order, the Attorney General's Office was required to file a notice advising the Court and Plaintiff of
17 the names of the defendants for whom it accepts service, the names of the defendants for whom it
18 does not accept service, and the names of the defendants for whom it is filing the last-known-address
19 information under seal. As to any of the named defendants for whom the Attorney General's Office
20 could not accept service, the Office was to file, under seal, without serving Plaintiff, the last known
21 address(es) of those defendant(s) for whom it had such information. If the last known address of the
22 defendant(s) was a post office box, the Attorney General's Office was to attempt to obtain and
23 provide the last known physical address(es). ECF No. 21.

24 On September 17, 2019, the Attorney General filed a Notice of Acceptance of Service on
25 behalf of Tara Carpenter and David Carpenter. ECF No. 22. On that same date, the Attorney General
26 filed the last known addresses for all other named Defendants. ECF No. 23.

1 Specifically, the Office of the Attorney General did not accept service of process on behalf
2 of Defendants **Celia Chacon, John R. Scott, Robert LeGrand, Paul Simms, Quentin Byrne,**
3 **Adrian Garcia, Richard Garcia, or Raul Rosas.** *Id.* However, the Attorney General did file the
4 last known addresses of these Defendants. If Plaintiff wishes to have the U.S. Marshal attempt
5 service on Defendants **Celia Chacon, John R. Scott, Robert LeGrand, Paul Simms, Quentin**
6 **Byrne, Adrian Garcia, Richard Garcia, and Raul Rosas** he shall follow the instructions in the
7 Order below.

8 Accordingly,

9 IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to effect service
10 is GRANTED in part and DENIED in part. Plaintiff's Motion is GRANTED to the extent that
11 service on eight named, but yet unserved, Defendants shall be attempted in accordance with the
12 timeline below. Plaintiff's Motion is DENIED in all other respects because it is moot.

13 IT IS FURTHER ORDERED that the Clerk of Court shall issue summonses for the following
14 eight individuals: Celia Chacon, John R. Scott, Robert LeGrand, Paul Simms, Quentin Byrne,
15 Adrian Garcia, Richard Garcia, and Raul Rosas. The Clerk of Court shall send the summonses to
16 the U.S. Marshal with the addresses provided under seal for each of these individuals (ECF No. 23).

17 IT IS FURTHER ORDERED that the Clerk of Court shall send **eight** copies of the Amended
18 Complaint (ECF No. 12), **eight** copies of the Court's Screening Order (ECF No. 13), and **eight**
19 copies of this Order to the U.S. Marshal for service on these Defendants.

20 IT IS FURTHER ORDERED that the Clerk of Court shall send **eight** USM-285 forms to
21 Plaintiff.

22 IT IS FURTHER ORDERED that **Plaintiff shall have until January 10, 2020 to complete**
23 **the USM-285 service forms and return them to the U.S. Marshal, United States Courthouse,**
24 **333 Las Vegas Blvd. South, Las Vegas, Nevada 89101.**

25 IT IS FURTHER ORDERED that the U.S. Marshal **shall** attempt to effect service within
26 **fifteen (15) days** of the date he receives Plaintiff's USM-285.

27 IT IS FURTHER ORDERED that Plaintiff shall have **21 days** from the date the U.S.
28 Marshall returns to Plaintiff a copy of the USM-285 forms, showing whether service has been

1 accomplished to file a notice with the Court stating whether each of the eight defendants named
2 above was served. If service on any defendant did not occur, and Plaintiff wishes to have service
3 attempted again, Plaintiff must file a motion that specifies that desire and, to the extent available,
4 provide more-detailed information regarding how service should be attempted.

If Plaintiff fails to follow this Order, Plaintiff's claims against Defendants Celia Chacon, John R. Scott, Robert LeGrand, Paul Simms, Quentin Byrne, Adrian Garcia, Richard Garcia, and Raul Rosas may be subject to dismissal for failure to complete service of process pursuant to Fed. R. Civ. P. 4(m).

10 DATED this 4th day of December, 2019.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE